

people as we can possibly be, and would only present a few facts to sustain their action and that of the minority of your Committee.

There seems but little, if any, dissent as to Galveston being one of the places. Now, as to the points of Dallas and Tyler, we would submit the following facts: Tyler has one railway, running northeast, passing the city, and crossing the Texas and Pacific some distance above the city, and this is the only way to reach the city by rail. Then Tyler is only about eighty miles from the eastern boundary of our State, and over two hundred miles west of said city there are organized counties, and are rapidly filling up, and the cry is, still "further west," and is only retarded in its settlement by savage Indians; then why select Tyler when she has only two ways of entry by rail, one northeast and one southwest, and from east only eighty miles you must run on the Pacific to the crossing of the Great Northern, and then down to said city, and west and north, must reach Dallas and run to said crossing and turn squarely to reach said city. Then how are those to reach Tyler, who are situated one hundred and sixty miles west of Dallas? Simply heavy, rough and ruinous stage fare travel. Now we contend that Dallas has advantages far superior to Tyler, from the fact that the entire east to the line of Louisiana, can reach Dallas by rail, the entire north and northeast are similarly situated, and the south have the same advantages; and Dallas having these advantages over Tyler, and the country west of said city, though now to reach Dallas must be subjected to horseback and stage travel, ere long may have the benefits that the southeast and north now have of reaching said city. Your minority would respectfully recommend the passage of the bill without amendment.

R. D. ALLISON.

On motion of Senator Wood, the Senate adjourned to 10 o'clock A. M. to-morrow.

TWENTY-SEVENTH DAY.

SENATE CHAMBER,

AUSTIN, February 14, 1874.

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

Journal of yesterday read and adopted.

On motion of Senator Camp, Senator Culbertson was excused indefinitely, on account of sickness in his family.

On motion of Senator Swift, Senator Ireland was excused until Tuesday next.

Senator Dwyer moved that Senate bill No. 148, "An act to limit the amount in bonds to be issued to the International Railroad Company;" and Senate bill No. 150,

"An act to grant lands to the International Railroad Company, in lieu of bonds, on a portion of their road," be taken from the calendar, and one hundred copies of each be printed. Carried.

Senator Wood presented a memorial from citizens of Robertson county. Read and referred to Judiciary Committee.

Senator Moore presented a petition from members of the Eighth Judicial District, asking for a criminal court. Read and referred to Judiciary Committee.

Senator Randle, chairman of Committee on Engrossed Bills, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 112, "An act to amend an act entitled 'An act to amend section eleven of an act entitled an act concerning divorce and alimony,'" approved May 27, 1873, and find the same correctly engrossed.

ED. RANDLE, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 89, "An act to incorporate the Southwestern Railroad Company, and to grant lands to aid in the construction of its road," and find the same correctly engrossed.

ED. RANDLE, Chairman.

Senator Flanagan, chairman of Committee on Counties and County Boundaries, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 26, "An act entitled 'An act creating two counties out of the territory of Refugio county,'" have had the same under consideration, and instruct me to report the bill back to the Senate, and recommend that it do not pass. Respectfully,

WEBSTER FLANAGAN, Chairman.

Senator Erath, chairman of Committee on Private Land Claims, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate bill No. 72, "An act to amend 'An act to authorize the cancellation of patents in certain cases,'" approved February 3, 1854, have carefully examined and considered the same, and instruct me to report it back, with the recommendation that it be referred to the Judiciary Committee.

O. B. ERATH, Chairman.

On motion of Senator Erath, the bill was referred to the Judiciary Committee.

Senator Westfall, chairman of Committee on Education, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 184, "An act to establish a normal school at Harmony, Walker county, Texas," having considered the same, instruct me to report that, in the judgment of the committee, the common school fund cannot be appropriated for the purpose set forth in the bill, and that the same is in conflict with the Constitution, and, therefore, recommend that it do not pass.

W. H. WESTFALL, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Education, to whom was referred House bill No. 6, "An act to ascertain the amount due the teachers of the public free schools of this State, for services rendered as teachers, prior to July 1, A. D. 1873, and to provide for the payment of the same, and regulating verification and disbursment," having had the same under consideration, instruct me to report the same back with the recommendation that it do pass.

W. H. WESTFALL, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Education, to whom was referred Senate bill No. 144, "An act to amend 'An act to establish and maintain a system of public free schools,'" approved April 20, 1873, having considered the same, instruct me to report the same back with the recommendation that it do not pass.

W. H. WESTFALL, Chairman.

Senator Ellis, for the Committee on Retrenchment and Reform, submitted the following report and accompanying resolution:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Retrenchment and Reform, to whom was referred the accompanying resolution, beg leave to report the same back, and instruct me to represent that they have given the subject due attention. They find, upon investigation, that the clerical force, officers and employees of the Senate cannot be reduced without inconvenience, and a probable delay in the dispatch of business in the Senate. They, however, believe that the rate of compensation for clerks, doorkeepers, porters and pages, as heretofore regulated, is excessive, and your committee recommend the adoption of the following resolution regulating the *per diem* pay of said officers and employees:

Resolved, That the *per diem* pay of the officers and employees of this Senate, herein named, shall be as follows: Doorkeeper and assistant doorkeeper, enrolling clerk and assistant enrolling clerk, clerks of committees, engrossing clerk and assistant engrossing clerk, and chief porters, five dollars each; pages and porters other than chief porters, three dollars each.

Respectfully submitted,

ELLIS, for Committee.

Senator Baker, chairman of the Finance

Committee, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance have had under consideration the subject of the indebtedness of the State to Messrs. Williams & Guion, of New York City; and upon consultation with the committee on the part of the House of Representatives, have agreed upon the accompanying bill, and recommend that it be passed.

W. R. BAKER, Chairman.

The title of the bill referred to is, "An act to authorize the Governor to sell certain bonds of the State, and to adjust and settle the indebtedness of the State with Williams & Guion."

On motion of Senator Camp, one hundred copies were ordered printed, and the bill made special order for Tuesday next, at 11 o'clock A. M.

Senator Flanagan, chairman of Committee on Counties and County Boundaries, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred Senate bill No. 120, "An act to create and provide for the organization of the county of Stonewall," have had the same under consideration, and instruct me to report it back, with the following amendment: Strike out "Stonewall" wherever it occurs, and insert "Camp," and recommend its passage.

FLANAGAN, Chairman.

Senator Hobby, for the Committee on Retrenchment and Reform, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Retrenchment and Reform, to whom was referred Senate resolution requiring your committee to consider and report upon the propriety of repealing "An act to provide for the employment of private clerks for the judges of the Supreme Court," have had the same under consideration, and instruct me to report the accompanying bill, repealing said law, and recommend its passage.

HOBBY, for Committee.

The title of the bill referred to, is "An act to repeal an act entitled 'An act to provide for the employment of private clerks for the Judges of the Supreme Court,'" approved April 5, 1871. Read first time.

Senator Erath, chairman of Committee on Private Land Claims, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Private Land Claims to whom was referred Senate bill No. 95, "An act for the relief of K. Bigham White," have carefully considered the same, and your committee being of the opinion that this bill is in conflict with the Constitution

as amended, instruct me to report it back, with the recommendation that it do not pass.

All of which is respectfully submitted.

G. B. ERATH, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Private Land Claims to whom was referred Senate bill No. 115, "An act for the relief of G. W. Brooks," have carefully examined and considered the same, and your committee being of the opinion that this bill is in conflict with the Constitution as amended, instruct me to report it back, with the recommendation that it do not pass. G. B. ERATH, Chairman.

Senator Allison, chairman of Committee on Stock and Stockraising, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred Senate bill No. 129, "An act to prevent estraying within certain dates," have carefully examined and considered the same, and instruct me to report it back, with the recommendation that it do pass, with the following amendment: Amend so as to except any animals broke to work, horses, mules and work-oxen.

All of which is respectfully submitted.

R. D. ALLISON, Chairman.

A message was received from the House, announcing the passage of Senate joint resolution, setting apart certain rooms in the capitol building, for the use of the Senate and House of Representatives," with amendments by the House.

Senator Ellis introduced a bill entitled "An act authorizing the Adjutant General to sell or dispose of damaged or worthless arms, equipments and ammunition, belonging to the State." Read first time and referred to Committee on Militia.

SPECIAL ORDERS.

This being the hour for the consideration of Senate bill No. 86, "An act to incorporate the Southwestern and Rio Grande Railroad Company and aid in the construction of the same," it was taken up and considered.

Senator Davenport moved to amend as follows: Strike out from eleventh and twelfth lines, section two, "or as near such towns as practicable." Adopted.

Senator Swift offered the following amendment: Insert after the words "Bell county," in eleventh line, the words "or within one half mile of those places, if the road runs within five miles of said places." Adopted.

Senator Westfall moved to amend as follows: Amend by striking out "by," in line thirteen, section two, and insert in lieu thereof "to the town of." Amend further by inserting in line thirteen, section two, after "county," the word "by." Both the amendments were adopted.

Senator Moore offered the following amendments: Amend section three by striking out the words "fifty thousand," in fourth line, and insert in lieu thereof "one hundred thousand;" adopted. Strike out the word "ten," in sixth line, and insert in lieu thereof "twenty;" lost. Strike out the word "one," in eighth line, and insert in lieu thereof the word "five;" adopted. Strike out the word "three," in ninth line, and insert in lieu thereof the word "five;" adopted.

Senator Friend moved to amend as follows: Amend section four, line thirteen, by inserting after the word "published," the words "for four successive weeks." Adopted.

Senator Wood moved to amend as follows: Section fourteen, That said road, if the line of same shall touch the limits of the county of Leon, shall establish a depot within one-half mile of the public square of the town of Centreville, in said county of Leon. Adopted.

Senator Bradshaw moved to amend as follows: Amend section eleven, at the end of section eleven, of line thirty-nine, by adding, "provided further, that the lands here granted shall be open for settlement in tracts of one hundred and sixty, eighty or forty acres. And the settler shall be entitled to the same at its appraised value at the time of settlement; and it shall be the duty of the company to make the settlers a title to said land, upon their paying for the same." Lost, by the following vote:

Yeas—Senators Allison, Bradshaw, Dillard, Hobby, Morris, Moore, Stirman and Trolinger—8.

Nays—Senators Ball, Baker, Camp, Davenport, Dwyer, Ellis, Erath, Flanagan, Friend, Parker, Randle, Russell, Swift, Westfall and Wood—15.

Absent not voting—Senators Bradley, Culberson, Ireland and Ledbetter.

Senator Moore moved to amend as follows: Add to line seventeen of section two, the words "said road shall be of a uniform gauge of four feet, eight and a half inches." Lost.

(Senator Wood in the chair.)

Senator Westfall moved to amend as follows: End of section two, add "provided that whenever the direct line of said road shall run within five miles of any county seat, the company shall establish and continue a passenger and freight depot in one half mile of said town." Adopted.

Senator Friend offered the following amendment: In section eleven, after the word "State" in line six, add the words "provided the gauge of the road is four feet eight and a half inches, and twelve sections of land for every mile constructed, should the gauge be three feet." Adopted by the following vote:

Yeas—Senators Allison, Ball, Camp, Davenport, Dillard, Dwyer, Ellis, Flanagan, Friend, Morris, Moore, Parker, Russell, Stirman, Trolinger and Westfall—16.

Nays—Senators Baker, Bradshaw, Erath, Randle, Swift, and Wood—6.

Senator Parker moved to amend by striking out sections eleven and twelve. Lost, by the following vote:

Yeas—Senators Allison, Bradshaw, Dillard, Morris, Moore, Parker and Trolinger—7.

Nays—Senators Ball, Baker, Camp, Dwyer, Ellis, Erath, Flanagan, Friend, Hobby, Randle, Russell, Stirman, Swift, Westfall and Wood—16.

Absent, not voting—Senators Bradley, Culberson, Ireland and Ledbetter.

The bill, as thus amended, was ordered engrossed.

(Mr. President in the chair.)

By leave, Senator Dillard introduced a bill, entitled "An act to redistrict the State of Texas into Congressional districts." Read first time, one hundred copies ordered printed, and made special order for Wednesday next at 11 o'clock A. M.

Senator Dwyer, by leave, introduced a bill entitled "An act to amend section ten of 'An act to provide for registration of voters,' and to repeal 'An act to provide for a special registration of voters under the provisions of an act to authorize counties, cities and towns to aid in the construction of railroads, etc.,' approved May 31, 1871." Read first time and referred to Committee on Internal Improvements.

Senate bill No. 27, "An act to amend 'An act to incorporate the Orange, Jasper and Shelby Railroad Company, and aid in constructing same,'" being the next bill under the special order, it was taken up and considered.

Senator Friend offered a substitute for said bill.

On motion of Senator Swift the substitute was adopted.

Substitute read third time, and, on motion of Senator Swift, passed by the following vote:

Yeas—Senators Allison, Ball, Baker, Camp, Davenport, Dillard, Dwyer, Ellis, Flanagan, Friend, Morris, Moore, Parker, Randle, Russell, Stirman, Swift, Westfall and Wood—19.

Nays—Senators Bradshaw, Erath, Hobby and Trolinger—4.

Senator Hobby, chairman of the Committee on Enrolled Bills submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined Senate joint resolution No. 42, returning thanks to the President for upholding the right of local self government in

Texas, and find the same correctly enrolled, and have this day, at 10:15 A. M., presented the same to the Governor.

Hobby, Chairman.

Senate joint resolution No 151, "setting apart certain rooms in the capitol building for the use of the Senate and House of Representatives," was, on motion of Senator Swift, taken up, under a suspension of the rules, and the House amendments there-to concurred in.

Senator Baker moved a suspension of the rules, to take up out of its order Senate joint resolution No. 133, "to require the State Treasurer to pay certain warrants." Rules suspended, resolution taken up and read second time.

Senator Flanagan offered the following amendment: Amend line seventeen, after the word "and," by adding, "when so registered." Adopted.

Senator Flanagan also offered the following amendment: Strike out "deposited," wherever it occurs, and insert "register." Adopted.

Senator Wood offered the following amendment: Amend by striking out, in twenty-first line, after the word "same," the words "and give receipts to all persons making said deposits." Adopted.

Senator Friend offered the following amendment: In ninetenth line after word "of" insert "registration." Adopted.

The bill as amended, was then ordered engrossed.

On motion of Senator Erath, the rules were suspended, bill read third time and passed.

On motion of Senator Wood, the Senate adjourned to 10 o'clock A. M. next Monday.

TWENTY-EIGHTH DAY.

SENATE CHAMBER, {

AUSTIN, February 16, 1874. }

Senate met pursuant to adjournment.

Roll called; quorum present.

Prayer by the chaplain.

Journal of Saturday read and adopted.

A message from the House was received announcing the passage of House bill No. 168, "An act to authorize incorporated cities to establish and manage free libraries."

Senator Westfall presented a petition from sundry citizens of Williamson county, asking for the speedy apportionment and disbursement of the school fund. Read and referred to the Committee on Education.

Senator Westfall presented a petition from citizens of Burnet county, in regard to the boundaries of their county. Read and referred to the Committee on Counties and County Boundaries.

Senator Swift presented a petition from